



BANNER & WITCOFF, LTD.  
INTELLECTUAL PROPERTY LAW

10 SOUTH WACKER DRIVE, SUITE 3000  
CHICAGO, ILLINOIS 60606

TEL: 312.463.5000  
FAX: 312.463.5001  
www.bannerwitcoff.com

RECEIVED  
CENTRAL FAX CENTER

DEC 30 2004

---

**FACSIMILE TRANSMITTAL SHEET**

---

TO: Patent and Trademark Office

FROM: Jeffrey M. Cox  
Registration No. 50,695

COMPANY: USPTO

DATE: December 30, 2004

FAX NO.: (703) 872-9306

TOTAL NO. OF PAGES: 9

OUR REFERENCE NO.: 006401.00400

RE: In re Appln. of Schilling et al.  
Appln. No. 10/611,485  
Filed July 1, 2003  
For: DUST SUPPRESSANT AND SOIL STABILIZATION COMPOSITION  
**OFFICIAL FAX**

*If you do not receive all page(s) or have any problems receiving this transmission, please call:*

NAME: Christine Parker

PHONE: 312-463-5532

**Important/Confidential:** This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of Banner & Witcoff, Ltd. which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORTLAND, OR

TO:SB/7 (05-00)

Approved for use through 10/11/2005 - OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile  
transmitted to the Patent and Trademark Office

on December 30, 2004.

Date



Signature

Jeffrey M. Cox

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this  
certificate must identify each submitted paper.

Facsimile Cover Sheet;  
Transmittal form; and  
Response, 6 pages.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any  
comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office,  
Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,  
Washington, DC 20231.

PTO SB/21 (05-03)

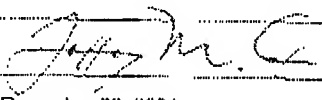
Approved for use through 04/30/2013. O 48 6551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/611,485
	Filing Date	July 1, 2003
	First Named Inventor	Schilling et al.
	Art Unit	3673
	Examiner Name	Derrick G. Hamlin
Total Number of Pages in This Submission	Attorney Docket Number	006401.00400

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Repl. Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Facsimile cover sheet, certificate of facsimile transmission.
Remarks		The Commissioner is hereby authorized to charge fees indicated to deposit account number 19-0753.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jeffrey M. Cox; Reg. No. 50,695
Signature	
Date	December 30, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 30 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	DUST SUPPRESSANT AND SOIL
	)	STABILIZATION COMPOSITION
Schilling et al.	)	
	)	
Serial No.: 10/611,485	)	Attorney Docket: 006401.00400
Filed: July 1, 2003	)	
	)	Group Art Unit: 3673
	)	
	)	Examiner: Derrick G. Hamlin

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

In response to the Office Action dated October 1, 2004, please reconsider the application in light of the following remarks. A listing of the claims as pending in the present application begins on the next page. Remarks begin on the first page following the claim amendments.